

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of:) Confirmation No.: 8811
Andrew G.L. BLACKWOOD) Group Art Unit: 3657
Application No.: 10/517,834) Examiner: Mahbubur Rashid
Filed: July 20, 2005)
For: VEHICLE AIR SUPPLY SYSTEM) Date: <u>April 1, 2010</u>

REPLY BRIEF

MAIL STOP APPEAL BRIEF – PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is submitted in response to the Examiner's Answer mailed February 2, 2010.

This Appeal responds to the May 11, 2009, final rejection of claims 1, 3-10, and 12. Appellant respectfully request that the Board of Patent Appeals and Interferences reverse the final rejection of these claims.

If any additional fees are required or if the enclosed payment is insufficient, Appellant requests that the required fees be charged to Deposit Account No. 19-2380.

TABLE OF CONTENTS

	<u>Page No.</u>
I. Statement of Additional Facts.....	3
II. Arguments	3
III. Conclusion	5

I. STATEMENT OF ADDITIONAL FACTS

Appellant provides no additional facts necessary for consideration of the arguments set forth in detail below.

II. ARGUMENTS

Appellant contends that the Examiner still fails in the Examiner's Answer to set forth a *prima facie* case of obviousness based on the combination of references relied upon by the Examiner under Section 103(c). Particularly, the Beck reference, namely, WO 01/17834 A1, (*Beck*, hereinafter) and Cramer, namely, U.S. Patent No.: 5,027,529 (*Cramer*, hereinafter), taken either singly or in any combination, fail to anticipate or render obvious each and every feature recited in the pending claims.

In the Examiner's Answer (page 5, line 17 to page 6, line 3), the Examiner states:

Beck clearly discloses a timer 26 that may be activated when the compressor comes on load and be suspended/reset when the compressor comes off load (see the specification of *Beck*; page 8, lines 17-21) (please further note that the paragraph 3 or lines 21-32 of page 5 of the specification of the present application is identical to the paragraph 3 or lines 17-21 of page 8 of the specification of *Beck*.). Therefore, it is clear, the control means of *Beck* being operable to suspend/reset the timer when the compressor comes off load and thus an intermediate regeneration is to be inhibited (see the specification of *Beck*, page 2, line 27 to page 3, line 2).

However, while the paragraph 3 of page 5 of the instant specification may be similar, although not identical as the Examiner states, to paragraph 3 of page 8 of *Beck*, it is improper for the Examiner to conclude that the broad disclosure of *Beck* either teaches or suggests all of the new and specific features of the present invention, such as *the control means includes a timer*,

wherein the control means is operable to selectively cause and prevent the intermediate regeneration depending upon air supply requirements.

In fact, in line 13 of page 6 of the Examiner's Answer, the Examiner maintains his correct admission that "the control means of *Beck* is not **selectively** operable." However, the Examiner continues to erroneously purport that *Cramer's* "compressed air system (see abstract and see also Fig. 1) where an electronic control unit enabling and disabling of the compressor in response to pressure level variations in the system and it also responds to compressor disabling by causing the system air dryer to regenerate or purge for a predetermined time period (see col. 2, lines 1-9)"¹ can be equated to *the control means includes a timer, wherein the control means is operable to selectively cause and prevent the intermediate regeneration depending upon air supply requirements* of the present invention.

Appellant maintains that *Cramer* merely discloses a conventional compressed air system which is directed to the concept of terminating a purge of the air dryer that has already commenced, and not to preventing an intermediate regeneration. Termination of the air dryer purge cycle in *Cramer* occurs in instances when the reservoir pressure drops to a predetermined level. *Cramer* discloses in col. 5, ll. 26-36 (emphasis added) that "[s]ince the air dryer is purged at regular intervals...high quality compressed air that is relatively moisture free even in applications in which large quantities of air are consumed is assured...the pressure level in the system is not allowed to reach a dangerously low level at any time because of the resetting of the purge timer when the pressure of the reservoir drops to a dangerously low level, thereby terminating the purging of the air dryer and permitting the compressor to come back on load." Thus, *Cramer* remains completely silent with regard to preventing the commencement of the purge cycle, as in the present invention.

¹ See the Examiner's Answer, e.g., p. 6, ll. 15-19

III. CONCLUSION

At least for the above reasons, *Beck* and *Cramer*, taken either alone or in combination, fail to disclose, teach, or suggest the invention recited in independent claim 1. The dependent claims are also allowable over *Beck* and *Cramer* based on their own merits and for at least the reasons as argued above with respect to their independent claims.

Accordingly, Appellant submits that the rejection of claims 1, 3-10, and 12 under 35 U.S.C. § 103(a) as being unpatentable over *Beck* in view of *Cramer* should be overturned, and an indication of immediate allowability is respectfully requested.

Respectfully submitted,
NIXON PEABODY, LLP

Date: April 1, 2010

/Anthony J. Canning, Reg. No. 62,107/
Anthony J. Canning
Registration No. 62,107

NIXON PEABODY
Customer No. 22204
200 Page Mill Road
2nd Floor
Palo Alto, CA 94306-2022
(650) 320-7782